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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/085,425   | 02/28/2002  | William McBride Fesq |                     | 3201             |
| 7590   | 08/08/2005  |                      | EXAMINER            |                  |
| William M Fesq<br>143 Crane Circle<br>New Providence, NJ 07974 |             |                      |                     | LY, ANH          |
|  |             | ART UNIT             | PAPER NUMBER        | 2162             |

DATE MAILED: 08/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/085,425             | FESQ ET AL.         |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Anh Ly                 | 2162                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 17 May 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-16 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.



**DETAILED ACTION**

1. This Office Action is response to Applicants' Amendment and response filed on 05/17/2005.
2. Claims 1-16 are pending in this Application.

***Response to Arguments***

3. Applicant's arguments filed on 05/17/2005 have been fully considered but they are not persuasive.

Applicants argued that, "The combination of Alexander and DeLorme fails to teach or suggest a system for performing searches across user defined events for an arbitrary geographic region or regions as claimed." (Page 5 of Amendment & Response, lines 5-7).

In response to applicant's arguments, the recitation "a system for performing searches across user defined events for an arbitrary geographic region or regions" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951). Also Alexander et al. of 6,640,230 (hereinafter Alexander) teaches

retrieving a specific event (as shown in fig 5, item 505); and DeLorme et al. of 5,948,040 (hereinafter DeLorme) teaches searching a particular scheduled events (user-defined event or calendar events) (abstract and col. 27, lines 40-50).

Applicants argued that, "there is no teaching or suggestion in Alexander of event list generator." (Page 5, lines 14-15).

Alexander teaches a list of context event or specific event to be created (as shown in fig. 4 and 6; col. 13, lines 55-67, col. 14, lines 1-32). Also, Alexander teaches creating an electronic calendar-driven over an Internet network, calendar events organizing as a multi-level hierarchical data structure being stored in a database table and the context of calendar event is retrieved via GUI from which user of the system has to enter the query to search the event as shown in the figs 5A-5B and fig. 6), event type is specified as user defined event (col. 20, lines 47-55), and geographically location of the event such as "in the office" or 'at alternate work location' (col. 13, lines 25-32 and lines 60-67).

Applicants argued that, "DeLorme fails to teach or suggest a Zip list that receive a zip code and a distance value ... located within the distance value from the zip code." (Page 6, lines 3-5).

DeLorme teaches searching events calendars, the distance value based on the geographical location of route or zip code and selection of location (abstract, col. 7, lines 22-35, col. 17, lines 12-42, col. 19, lines 8-32, col. 20, lines 62-67 and col. 21, lines 1-26; also see col. 47, lines 45-58 and col. 48, lines 5-32).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,640,230 issued to Alexander et al. (hereinafter Alexander) in view of US Patent No. 5,948,040 issued to DeLorme et al. (hereinafter DeLorme).

With respect to claim 1, Alexander teaches an event data structure comprising one or more user defined events, each event associated with a zip code (electronic calendar event storing in a database organizing as a multi-level hierarchical data structure of context events and each event is retrieved base don the geographical

location such as in the office or off-side of office: col. 3, lines 25-30, col. 13, lines 25-32 and lines 60-67; also see col. 18, lines 27-34, figs 5-7 and user-defined the type of event: col. 20, lines 47-55); and

an event list generator to receive the zip list and query the event data structure to retrieve events associated with zip codes contained in the zip list (event list is created as context event: col. 8, lines 17-35 and context event is retrieved: col. 15, lines 50-67 and col. 16, lines 1-24; also see figs 5-6).

Alexander teaches creating an electronic calendar-driven over an Internet network, calendar events organizing as a multi-level hierarchical data structure being stored in a database table and the context of calendar event is retrieved via GUI from which user of the system has to enter the query to search the event as shown in the figs 5A-5B and fig. 6), event type is specified as user defined event (col. 20, lines 47-55), and geographically location of the event such as "in the office" or 'at alternate work location' (col. 13, lines 25-32 and lines 60-67). Alexander does not explicitly teach a zip list processor, operative to receive a zip code and a distance value, which are used to calculate a zip list comprising all zip codes geographically located within the distance value from the zip code.

However, DeLorme teaches geographically locatable objects of the point of interest of the event or scheduled event of interest (col. 8, lines 1-15 and col. 9, lines 24-30).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Alexander with the

teachings of DeLorme so as to have geographically locations such as latitude and longitude (col. 8, lines 23-32) of event for searching of an interest event. The motivation being to have a system having GUI for user to locate a calendar event over the Internet network via a database containing event information and displaying the result of search.

With respect to claims 2-3, Alexander teaches a system for searching events as discussed in claim 1.

Alexander teaches creating an electronic calendar-driven over an Internet network , calendar events organizing as a multi-level hierarchical data structure being stored in a database table and the context of calendar event is retrieved via GUI from which user of the system has to enter the query to search the event as shown in the figs 5A-5B and fig. 6), event type is specified as user defined event (col. 20, lines 47-55), and geographically location of the event such as "in the office" or 'at alternate work location' (col. 13, lines 25-32 and lines 60-67). Alexander does not explicitly teach wherein the zip list processor utilizes great circle mathematics to calculate all zip codes geographically located with the distance value from the zip code, and a zip data structure to store one or more zip codes and associated latitude and longitude values.

However, DeLorme teaches calculating the geographically locatable objects of the point of interest of the event or scheduled event of interest (col. 8, lines 1-15 and col. 9, lines 24-30) and longitude and latitude values (col. 48, lines 5-33 and col. 47, lines 50-67).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Alexander with the

teachings of DeLorme so as to calculating geographically locations such as latitude and longitude (col. 8, lines 23-32) of event for searching of an interest event. The motivation being to have a system having GUI for user to locate a calendar event over the Internet network via a database containing event information and displaying the result of search.

With respect to claim 4, Alexander teaches a calendar generator to facilitate creation of a calendars and a calendar data structure (event list or calendar is created as context event: col. 8, lines 17-35 and its data is stored in a database having organized as a multilevel hierarchical data structure: col. 3, lines 20-30 and col. 18, lines 27-34).

With respect to claim 5, Alexander teaches wherein the each of the one or more user-defined events are associated with a calendar in the calendar data structure (event types and user-defined event type: col. 11, lines 18-67 and col. 20, lines 47-55).

With respect to claim 6, Alexander teaches wherein the calendar generator is operative to format and present the calendar and associated user defined events on a display device (col. 10, lines 22-48, col. 11, lines 18-67 and col. 12, lines 1-67).

With respect to claims 2-3, Alexander teaches a system for searching events as discussed in claim 1.

Alexander teaches creating an electronic calendar-driven over an Internet network , calendar events organizing as a multi-level hierarchical data structure being stored in a database table and the context of calendar event is retrieved via GUI from which user of the system has to enter the query to search the event as shown in the figs 5A-5B and fig. 6), event type is specified as user defined event (col. 20, lines 47-55),

and geographically location of the event such as "in the office" or 'at alternate work location' (col. 13, lines 25-32 and lines 60-67). Alexander does not explicitly teach wherein the one or more user-defined events are marked as public or private events, and wherein private events are excluded from the query performed by the event list generator..

However, DeLorme teaches private and public events in the personal appointment or scheduled events (col. 51, lines 5-22).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Alexander with the teachings of DeLorme so as to calculating geographically locations such as latitude and longitude (col. 8, lines 23-32) of event for searching of an interest event. The motivation being to have a system having GUI for user to locate a calendar event over the Internet network via a database containing event information and displaying the result of search.

Claim 9 is essentially the same as claim 1 except that it is directed to a method rather than a system, and is rejected for the same reason as applied to the claim 1 hereinabove.

Claim 10 is essentially the same as claim 2 except that it is directed to a method rather than a system, and is rejected for the same reason as applied to the claim 2 hereinabove.

Claim 11 is essentially the same as claim 3 except that it is directed to a method rather than a system, and is rejected for the same reason as applied to the claim 3 hereinabove.

Claim 12 is essentially the same as claim 4 except that it is directed to a method rather than a system, and is rejected for the same reason as applied to the claim 4 hereinabove.

Claim 13 is essentially the same as claim 5 except that it is directed to a method rather than a system, and is rejected for the same reason as applied to the claim 5 hereinabove.

Claim 14 is essentially the same as claim 6 except that it is directed to a method rather than a system, and is rejected for the same reason as applied to the claim 6 hereinabove.

Claim 15 is essentially the same as claim 7 except that it is directed to a method rather than a system, and is rejected for the same reason as applied to the claim 7 hereinabove.

Claim 16 is essentially the same as claim 8 except that it is directed to a method rather than a system, and is rejected for the same reason as applied to the claim 8 hereinabove.

***Conclusion***

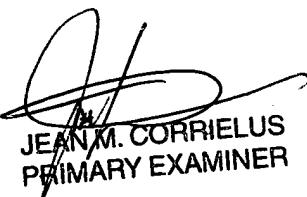
7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### Contact Information

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anh Ly whose telephone number is (571) 272-4039 or via E-Mail: ANH.LY@USPTO.GOV or fax to **(571) 273-4039**. The examiner can normally be reached on TUESDAY – THURSDAY from 8:30 AM – 3:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene, can be reached on (571) 272-4107 or **Primary Examiner Jean Corrielus (571) 272-4032.**

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). Any response to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, or faxed to: Central Fax Center **(571) 273-8300**



JEAN M. CORRIELUS  
PRIMARY EXAMINER

ANH LY  
JUL. 26<sup>th</sup>, 2005